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[CLICK HERE FOR MEMO \(AB 340\)](#)



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
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DAVID E. JANSSEN
Chief Administrative Officer

Board of Supervisors
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First District

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Second District

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Third District

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Fourth District

MICHAEL D. ANTONOVICH
Fifth District

April 8, 2003

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

RECOMMENDED POSITION ON STATE LEGISLATION (3 VOTES)

This letter contains recommended positions on State legislation affecting the County.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve the recommended positions contained in this letter on the following:

AB 340 (Frommer) which would require the training and arming of Deputy Probation Officers that are required to participate in a duty related hazardous activity – **OPPOSE**

AB 348 (Chu) which would authorize a psychologist to release a patient from an involuntary commitment -- **SUPPORT AND AMEND**

2. Instruct the County's legislative advocates in Sacramento, working with affected departments, and other interested individuals and organizations to advocate these positions on behalf of Los Angeles County.

Departmental representatives will be present at the Board meeting to address any technical issues related to these bills.

AB 340 (Frommer)

As introduced on February 11, 2003, AB 340 applies only to Los Angeles County and would prohibit any probation officer from being required to participate in any duty related hazardous activity unless the employer provides adequate safety training and equipment. AB 340 defines "duty related hazardous activity" as any job related activity where there is a foreseeable risk of violence or significant physical harm that may cause or result in a life threatening situation or substantial endangerment of the officer. AB 340 would require the employer to provide 1) training and education about street gangs and related behavior, mental illness and domestic violence, 2) training in self defense techniques, 3) training and issuance of tasers and other non-lethal self-defense weapons, 4) training and issuance of firearms for self defense, and 5) training and issuance of protective vests.

According to the Probation Department, AB 340 raises the question of whether Deputy Probation Officers (DPOs) should be armed, creates an unfunded State mandate to train and equip DPOs, adversely affects the collective bargaining process, and potentially reduces managerial control. Additionally, AB 340 could increase the County's general liability costs, and potentially increase retirement costs.

Arming DPOs. At your Board's request, the Probation Department issued two reports dated March 11, 1999, and April 19, 1999, that addressed arming DPOs. These reports indicate that the decision to arm DPOs should be a local decision made by the Chief Probation Officer and the Board of Supervisors. In 1999, your Board and the Chief Probation Officer determined that it was appropriate to arm only a limited number of DPOs for the performance of specific duties. AB 340 would expand this policy by requiring all DPOs involved in "hazardous activities" to be armed.

The American Federation of State, County and Municipal Employees (AFSCME) Local 685 (Los Angeles Probation Officer's Union) contends that arming DPOs would be beneficial in part because it will save time and money by allowing the DPOs to perform searches when police are unable to assist. The Probation Department indicates that arming DPOs to perform dangerous searches will not result in a time or cost savings because it is County policy to have police support when conducting such searches.

Unfunded State Mandate. The training and equipment requirements of AB 340 would place new unfunded mandates on the County. The Probation Department has 3,574 peace officers including DPOs, Detention Services Officers, Group Supervisors, and others. Only 18 DPOs are authorized to carry a firearm on duty. Another six have completed firearms training but they have not been assigned to duties requiring a firearm. Under the requirements proposed by AB 340, the Probation Department has estimated that at least 1,000 DPOs would have to be trained and armed, at an initial cost of \$2.84 million. The initial estimated cost to train and arm all DPOs is \$10 million.

Given the State's fiscal condition and its recent practice of deferring SB 90 claims, the County would need to provide significant up-front funding to comply with AB 340 without any certainty that these costs would be reimbursed in the near future.

Collective Bargaining. The Probation Department has expressed concern over the adverse effect of AB 340 on labor negotiations. Currently, your Board and the Chief Probation Officer determine which DPOs will be authorized to carry a firearm. AB 340 could shift the issue of determining what constitutes a hazardous duty to labor negotiations, thereby taking the exclusive control of arming DPOs away from your Board and the Chief Probation Officer.

Management of Department. The Probation Department notes that AB 340 limits its managerial flexibility in determining the level of service by creating a hazardous duty standard that would likely require changes in staffing levels without new resources. By potentially placing the definition of hazardous duty outside of the County's control, the Department's ability to make staffing decisions, determine the level of service to the community, and control costs, will be reduced.

General Liability. AB 340 would also increase the County's general liability costs. Based on Probation's estimate that at least 1,000 DPOs would be affected, we estimate that the general liability cost of arming 1,000 DPOs is \$4.86 million. This equals six per cent of the salaries and employee benefits for 1,000 DPOs which is the same standard that is used to determine general liability costs for the Sheriff when providing services to contract cities.

Under AB 340, the total costs of arming, training and covering general liability for 1,000 DPOs is estimated to be \$7.7 million.

Finally, another issue related to arming DPOs is whether they should be eligible for safety retirement. Your Board has consistently opposed legislation that mandates eligibility of additional employees for safety retirement benefits. While AB 340 is not a mandate to include DPOs in a safety retirement program, the Probation Department indicates that it represents a significant step toward that end. **The Probation Department recommends that the County oppose AB 340, and we concur.**

AB 340 is sponsored by the American Federation of State, County and Municipal Employees (AFSCME) Local 685 (Los Angeles Probation Officer's Union). It has been referred to the Assembly Public Safety Committee and is scheduled to be heard on April 1, 2003. According to the author's office, the hearing date will be changed to April 8, 2003. There is no recorded support or opposition.

AB 348 (Chu)

As introduced on February 11, 2003, AB 348 would allow a psychologist to release a patient from an involuntary commitment when the psychologist is responsible for the continued treatment of the patient, and when the decision to release is based on their personal observation.

The Lanterman-Petris-Short Act currently provides for the involuntary detention and treatment for specified periods of time of any person who, as a result of a mental disorder, is a danger to themselves or others, or is gravely disabled. If a patient improves during that time and no longer meets the criteria for involuntary commitment, a patient can be released from detention, but only if a psychiatrist directly responsible for the treatment believes, based on their personal observation, that the person no longer requires evaluation and treatment. While psychiatrists have the authority to release patients prior to the end of the time period, psychologists currently do not have this authority.

The Department of Mental Health (DMH) indicates that AB 348 would improve quality of care by eliminating unnecessary time in commitment for patients whose condition has improved to the point where continued commitment is unwarranted. It would increase the ability of hospitals to deploy staff in the most efficient manner by eliminating the need for the psychiatrist on duty to conduct personal examinations. Patients would benefit from the continuity of care provided by the psychologist who has coordinated the care and services which have alleviated their symptoms. The same clinician who assessed and treated the person, whether a psychiatrist or a psychologist, would be able to release that person.

Because allowing a psychologist the authority to release their patient from an involuntary commitment would improve patient quality of care and improve the efficient use of hospital staff, the Department of Mental Health (DMH) recommends that the County support AB 348, and seek an amendment to require a physical check-up to determine that the patient does not have a medical condition in addition to a mental disorder, and we concur. The author's staff indicates that they are currently negotiating amendments to require a physical check-up to determine that the patient does not have a medical condition in addition to a mental disorder.

AB 348 is sponsored by the California Psychological Association and supported by the California Mental Health Directors Association. The bill is opposed by the California Psychiatric Association.

The Honorable Board of Supervisors

April 8, 2003

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AB 348 is set for hearing on April 8, 2003 in the Assembly Health Committee.

These recommended positions will be added to the State Legislative Agenda and are consistent with the following specific County Strategic Plan Goals: improve organizational efficiency, improve delivery of health and mental health services, improve fiscal responsibility.

Respectfully submitted,

DAVID E. JANSSEN
Chief Administrative Officer

DEJ:GK
IGR:zo

c: Executive Officer, Board of Supervisors
County Counsel
Mental Health Department
Probation Department



DAVID E. JANSSEN
Chief Administrative Officer

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Carona - Lukens

April 18, 2003

Board of Supervisors
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First District

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Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich
[Signature]
From: David E. Janssen
Chief Administrative Officer

**RECOMMENDATION TO SUPPORT AB 348 (CHU) -- RELEASE FROM
INVOLUNTARY COMMITMENT (ITEM NO. 29, AGENDA OF APRIL 22, 2003)**

Item No. 29 on the April 22, 2003 Agenda is a Board letter continued at the request of Supervisor Knabe from the meeting of April 8, 2003, which contains a recommendation from the Department of Mental Health (DMH) to support and amend AB 348 (Chu). This memo provides information about amendments to AB 348 which were recently accepted by the author.

Previously, AB 348 would have allowed a psychologist to release a patient from an involuntary commitment prior to the end of the commitment period under specified conditions. As proposed to be amended, the bill would now allow either a psychiatrist or a psychologist to release a patient from an involuntary commitment when: 1) both a psychiatrist and a psychologist personally evaluated the patient, 2) there is a collaborative treatment relationship between these mental health professionals, and 3) they have consulted with one another.

The Lanterman-Petris-Short Act currently provides for the involuntary detention and treatment for specified periods of time of any person who, as a result of a mental disorder, is a danger to themselves or others, or is gravely disabled. If a patient improves during that time and no longer meets the criteria for involuntary commitment, a patient can be released from detention, but only if a psychiatrist directly responsible for the treatment believes, based on their personal observation, that the person no longer

Each Supervisor
April 18, 2003
Page 2

requires evaluation and treatment. While psychiatrists have the authority to release patients prior to the end of the time period, psychologists currently do not have this authority.

The Department of Mental Health (DMH) indicates that AB 348, as proposed to be amended, would improve quality of care by eliminating unnecessary time in commitment for patients whose condition has improved to the point where continued commitment is unwarranted and would increase the ability of hospitals to deploy staff in the most efficient manner. Patients would benefit from the continuity of care provided by the mental health professional who has coordinated the care and services which have alleviated their symptoms. After consultation between the two mental health professionals, the same clinician who assessed and treated the person, whether a psychiatrist or a psychologist, would be able to release the person. DMH further indicates that because the bill will now require a collaborative treatment relationship between the psychiatrist and the psychologist for early release by a psychologist, no further amendments are needed.

Because expanding the authority of a psychologist to release their patient from an involuntary commitment, in consultation with the treating psychiatrist, would improve patient quality of care and improve efficient use of hospital staff, DMH recommends that the County support AB 348 as proposed to be amended, and no longer seek an amendment to the bill, and we concur.

The author's office indicates that the proposed amendments to AB 348 followed extensive negotiations with both the California Psychological Association and the California Psychiatric Association and have resulted in the removal of the California Psychiatric Association's opposition to the measure. The National Alliance for the Mentally Ill (NAMI) has a watch position on the bill. AB 348 is sponsored by the California Psychological Association and supported by the California Mental Health Directors Association. It is set for hearing on May 6, 2003 in the Assembly Health Committee.

DEJ:GK
MAL:MS:lm

c: Executive Officer, Board of Supervisors
County Counsel
Department of Mental Health



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Second District

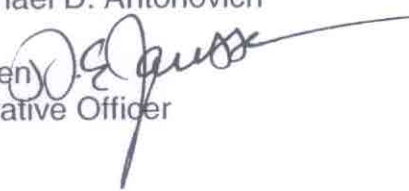
ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

April 28, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen 
Chief Administrative Officer

**ASSEMBLY BILL 340 (FROMMER) – (ITEM NO. 33, AGENDA OF APRIL 29, 2003) --
PROBATION OFFICERS: SAFETY TRAINING AND EQUIPMENT**

Item No. 33 on the Board Agenda for April 29, 2003 is a CAO and Probation Department recommendation to oppose AB 340 (Frommer), which would require the County to train and arm Probation Officers who are assigned to a job-related hazardous activity. This matter was brought before your Board initially on April 8, 2003, and has been continued since then. A copy of the original Board letter is attached.

On April 22, 2003, the bill was amended to: 1) prohibit the County from disciplining or terminating a Probation Officer for refusing to participate in a duty-related hazardous activity unless the Probation Officer has been adequately trained, and 2) tie the definition of hazardous duty to activities performed in various programs such as gang units, housing project units, and multi-agency suppression programs including the Community Law Enforcement and Recovery (CLEAR) program as well as any activity that is substantially similar to those performed in the programs identified above.

According to the Probation Department, the amended version of AB 340 creates a greater burden on the Department because it would prevent the Department from disciplining an employee who refuses to perform assigned duties. For this reason, and those outlined in the April 8, 2003 Board Letter on AB 340, **the Probation Department continues to recommend an oppose position, and we concur.**

AB 340 is sponsored by the American Federation of State, County and Municipal Employees Local 685 (Los Angeles Probation Officer's Union) and is supported by Los Angeles Deputy Sheriffs, Inc., Peace Officers Research Association of California, and the Association of Orange County Deputy Sheriffs. It is opposed by the Chief Probation Officers of California.

AB 340 is scheduled to be considered by the Assembly Public Safety Committee on April 29, 2003.

DEJ: GK
MAL:JF:JKL:lb

Attachment

c: Executive Officer, Board of Supervisors
 County Counsel
 Sheriff
 District Attorney
 Office of Independent Review



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Respectfully submitted,

A handwritten signature in dark ink, appearing to read "David E. Janssen", with a long horizontal flourish extending to the right.

DAVID E. JANSSEN
Chief Administrative Officer

DEJ:GK
IGR:zo

c: Executive Officer, Board of Supervisors
County Counsel
Mental Health Department
Probation Department